

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF MEMPHIS

July 15, 2008

3:30 P.M. SCHEDULED SESSION

3:35 P.M. MEETING COMMENCED

ROLL CALL: William Boyd, Joe Brown, Harold Collins, Shea Flinn, Edmund Ford, Jr., Janis Fullilove, Wanda Halbert, Reid Hedgepeth, Myron Lowery, Bill Morrison, Jim Strickland, Barbara Swearengen Ware and Chairman Scott McCormick

**THE MEETING WAS CALLED TO ORDER
BY SERGEANT-AT-ARMS**

INVOCATION

The meeting was opened with prayer by Pastor Frederick D. Tappan from Eureka True Vine Baptist Church. Councilman Ford presented Pastor Tappan with a certificate naming him Chaplain of the day.

These minutes record the agenda items and the action taken by the Council on such items. The full text of the original of the ordinances, resolutions and supporting documents, including an audio recording of Council's deliberations are filed and maintained in the office of Council Records/Records Management, Room 2B-08. The original ordinances and/or resolutions adopted by the Council shall control in the event of any conflict between the description in these minutes and the original documents, ordinances and/or resolutions.

13. **RESOLUTION APPROVING PERSONS EMPLOYED WITH THE CITY'S DIVISION OF POLICE SERVICES AFTER THE DATE OF THIS RESOLUTION, ARE HEREBY EXEMPTED FROM THE RESIDENCY PROVISIONS OF THE MEMPHIS CITY CHARTER AND ARE HEREBY ALLOWED TO RESIDE WITHIN TWENTY (20) MILES OF THE COUNTY LINE OF SHELBY COUNTY, TENNESSEE; AND PROVIDED EACH NON-RESIDENT SO EMPLOYED AGREES TO PAY AN ANNUAL FEE OF \$1,200.00 TO BE DEDUCTED BY PAYROLL ON A MONTHLY BASIS, FOR AS LONG AS EACH PERSON RESIDES OUTSIDE OF THE CITY AND FOR AS LONG AS EACH SUCH PERSON IS SO EMPLOYED BY THE CITY.** (Held from 6/17; 7/1)

DROPPED

20. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE NORTH SIDE OF E.H. CRUMP BOULEVARD; +138 FEET WEST OF S. THIRD STREET (180-182 SOUTH CRUMP), CONTAINING 1.01 ACRES IN THE SCBID GATEWAY COMMERCIAL DISTRICT.**

Case No. SUP 07-215

Applicant: Willie Nelson
Tim McCaskill – Representative

Request: Hotel

LUCB and OPD recommendation: REJECTION

Held to August 19, 2008

MINUTES

Approval of the Minutes of the regular meeting of July 1, 2008 with the following motion:

MOTION: Halbert
SECOND: Ford

MOTION: Strickland – Item #35 says Mr. Bradley. Just to make it more clearer put Anthony Bradley
AYES: Boyd, Flinn, Ford, Fullilove, Halbert, Morrison, Strickland, Ware and Chairman McCormick
Brown, Collins, Hedgepeth and Collins did not cast a vote

APPROVED, as amended

CONSENT AGENDA – Items 1-4 may be acted upon by one motion: SEE PAGE 2574 FOR ROLL CALL

1. **ORDINANCE TO AMEND THE CHARTER OF THE CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879, AS AMENDED, PURSUANT TO THE PROVISIONS OF ARTICLE 11, SECTION 9 OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT), SO AS TO PROVIDE FOR THE APPROVAL OF DEPUTY DIRECTORS BY THE CITY COUNCIL AND TO SUBMIT THE PROPOSED ORDINANCE TO THE QUALIFIED VOTERS OF THE CITY OF MEMPHIS AT THE FIRST GENERAL STATE ELECTION TO BE HELD NOVEMBER 4, 2008, UP FOR F I R S T READING.**

Ordinance No. 5267

APPROVED, on First reading

2. **ORDINANCE TO AMEND THE CHARTER OF THE CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879, AS AMENDED, PURSUANT TO THE PROVISIONS OF ARTICLE 11, SECTION 9 OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT), SO AS TO PROVIDE FOR THE APPROVAL OF CONTRACTS BY THE CITY COUNCIL AND TO SUBMIT THE PROPOSED ORDINANCE TO THE QUALIFIED VOTERS OF THE CITY OF MEMPHIS AT THE FIRST GENERAL STATE ELECTION TO BE HELD NOVEMBER 4, 2008, UP FOR F I R S T READING.**

Ordinance No. 5268

APPROVED, on First reading

3. **ORDINANCE TO AMEND THE CHARTER OF THE CITY OF MEMPHIS, SO AS TO ALLOW PERSONS EMPLOYED WITH THE CITY'S DIVISION OF POLICE SERVICES AFTER THIS DATE TO BE EXEMPTED FROM THE RESIDENCY PROVISIONS OF THE MEMPHIS CITY CHARTER AND ALLOWED TO RESIDE WITHIN TWENTY (20) MILES OF THE COUNTY LINE OF SHELBY COUNTY, TENNESSEE; AND PROVIDED EACH NON-RESIDENT SO EMPLOYED AGREES TO PAY AN ANNUAL FEE TO BE DEDUCTED BY PAYROLL ON A MONTHLY BASIS, FOR AS LONG AS EACH PERSON RESIDES OUTSIDE OF THE CITY AND FOR AS LONG AS EACH SUCH PERSON IS SO EMPLOYED BY THE CITY AND TO SUBMIT THE PROPOSED ORDINANCE TO THE QUALIFIED VOTERS OF THE CITY OF MEMPHIS AT THE FIRST GENERAL STATE ELECTION TO BE HELD ON NOVEMBER 4, 2008, UP FOR F I R S T READING.**

Ordinance No. 5269

APPROVED, on First reading

4. **RESOLUTION ACCEPTING FOREST HILL HEIGHTS AMENDED P.D., PHASE 6, SEWER AND DRAINAGE DEDICATION AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 96-347cc
(Contract No. CR-4416)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located near the southeast corner of Winchester Road and Crestwyn Hills Drive. The standard improvement contract was approved on April 6, 1999. Resolution also authorizes the release of the letter of credit in the amount of \$828,300.00. This action is subject to County approval.

City Engineer recommends approval

APPROVED

ROLL CALL CONSENT ITEMS

MOTION: Ford
SECOND: Morrison
AYES: Collins, Flinn, Ford, Fullilove, Halbert, Morrison, Ware and Chairman McCormick
Boyd, Brown, Hedgepeth, Lowery and Strickland did not cast a vote

APPROVED**MLGW FISCAL CONSENT – Items 5-6 may be acted upon by one motion:**

5. **RESOLUTION APPROVING A SALARY IN THE AMOUNT OF \$90,979.20 ANNUALLY FOR THE POSITION OF ATTORNEY, LEVEL III.**

APPROVED

6. **RESOLUTION APPROVING A SALARY IN THE AMOUNT OF \$160,000.00 ANNUALLY FOR THE POSITION OF GENERAL COUNSEL.**

APPROVED**MLGW ROLL CALL CONSENT ITEMS**

MOTION: Boyd
SECOND: Flinn
AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Hedgepeth, Halbert, Lowery, Morrison, Strickland, Ware and Chairman McCormick

APPROVED

MOTION: Ware – Approve these two items on same night minutes

Without Objection, same night minutes will be prepared

The appointments were approved with separate votes. The Administrative Judge appointment was set up as Special Item #1, the Fire Director appointment was set up as Special Item #2 and City Beautiful appointments and reappointments were set up as Special Item #3

7. **APPOINTMENTS**

Administrative Judge**Appointment**

Judge Earnestine Hunt Dorse

MOTION: Flinn
SECOND: Strickland
AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery,
Morrison, Strickland, Ware and Chairman McCormick

APPROVED, set up as Special Item #1

Director of Fire Services

Appointment

Alvin D. Benson

MOTION: Flinn
SECOND: Strickland
AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery,
Morrison, Strickland, Ware and Chairman McCormick

APPROVED, set up as Special Item #2

Memphis City Beautiful Commission

Appointments

Jack Conway
Christian D. Davis
Charles M. Green
Estella Mayhue-Greer
Frederick McLaughlin

MOTION: Flinn
SECOND: Morrison
AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery,
Morrison, Strickland, Ware and Chairman McCormick

APPROVED, set up as Special Item #3

8. **ORDINANCE TO AMEND THE CHARTER OF THE CITY OF MEMPHIS, THE SAME BEING CHAPTER 11 OF THE ACTS OF 1879, AS AMENDED, TO REINSTATE ARTICLE 27, SECTION 190, SUBSECTION B THEREOF, PURSUANT TO THE PROVISIONS OF ARTICLE 11 SECTION 9 OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) SO AS TO REINSTATE THE RESIDENCY REQUIREMENT FOR PERSONS EMPLOYED SOLELY BY THE CITY AND TO SUBMIT THE PROPOSED ORDINANCE TO QUALIFIED VOTERS OF THE CITY OF MEMPHIS AT THE FIRST GENERAL STATE ELECTION TO BE HELD NOVEMBER 4, 2008, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5265

MOTION: Ware
SECOND: Strickland
AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman McCormick

APPROVED

9. **ORDINANCE TO AMEND THE CHARTER OF THE CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879 AS AMENDED, PURSUANT TO THE PROVISIONS OF ARTICLE 11 SECTION 9 OF THE CONSTITUTION OF THE STATE OF TENNESSEE HOME RULE AMENDMENTS SO AS TO PROVIDE FOR DISCLOSURE OF CERTAIN INFORMATION BY THOSE SEEKING ELECTED OFFICE AND TO SUBMIT THE PROPOSED ORDINANCE TO THE QUALIFIED VOTERS OF THE CITY OF MEMPHIS AT THE FIRST GENERAL STATE ELECTION TO BE HELD ON NOVEMBER 4, 2008, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5266

Friendly Amendment: Insert the word governmental in between any and entity

MOTION: Strickland

Councilman Boyd accepted this as a friendly amendment

MAIN MOTION: Boyd
SECOND: Strickland
AYES: Boyd, Flinn, Hedgepeth, Morrison, Strickland and Chairman McCormick
NAYS: Brown, Collins, Ford, Fullilove, Halbert, Lowery and Ware

FAILED

10. **RESOLUTION APPROPRIATING \$655,667.00 IN G.O. BONDS FROM FISCAL YEAR 2008 CIP BUDGET TO PURCHASE ONE (1) AERIAL TRUCK FOR THE DIVISION OF FIRE SERVICES.**

MOTION: Hedgepeth
SECOND: Ware
AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman McCormick

APPROVED

11. **RESOLUTION AMENDING THE FY09 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION OF \$500,000.00 FUNDED BY G.O. BONDS GENERAL FROM HCD STRATEGIC COMMUNITY INVESTMENTS FUNDS PROGRAM, CD01022 TO APRILWOODS WEST PHASE II, CD90052 FOR INFRASTRUCTURE IMPROVEMENTS RELATED TO THE APRILWOODS WEST PHASE II FOR THE CONSTRUCTION OF 47 UNITS OF AFFORDABLE MULTI FAMILY HOUSING.**

MOTION: Ford
SECOND: Morrison
AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman McCormick

APPROVED

12. **RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF NOT TO EXCEED \$35,000,000.00 GAS SYSTEM REVENUE ANTICIPATION NOTES OF THE CITY OF MEMPHIS FOR THE BENEFIT OF THE MEMPHIS LIGHT, GAS AND WATER DIVISION TO PROVIDE FUNDS IN ANTICIPATION OF THE COLLECTION OF REVENUES FROM THE CITY'S GAS SYSTEM TO PURCHASE NATURAL GAS, INCLUDING STORAGE COSTS AND PIPELINE CAPACITY COSTS AS PERMITTED BY § 7-34-111 (D) OF TENNESSEE CODE ANNOTATED; FIXING THE TERMS OF SAID NOTES; AUTHORIZING AND APPROVING THE EXECUTION AND DELIVERY OF THE NOTES AND OTHER DOCUMENTS TO EFFECTUATE THE FINANCING; AUTHORIZING THE SALE OF THE NOTES TO THE PURCHASERS; DESIGNATING THE PAYING AGENT AND REGISTRATION AGENT AND AUTHORIZING CERTAIN OTHER ACTS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF SAID NOTES.**

MOTION: Ware
SECOND: Ford
AYES: Boyd, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman McCormick
NAYS: Brown

APPROVED

14. **RESOLUTION APPROPRIATING \$650,000.00 FUNDED BY G.O. BONDS GENERAL FOR STREET LIGHTING FY 09, PROJECT NUMBER PW01193 TO REIMBURSE MEMPHIS, LIGHT, GAS AND WATER FOR COST INCURRED IN CONNECTION WITH SERVICING, REPLACING AND REMOVING EXPRESSWAY STREET LIGHT POLES.**

MOTION: Morrison

SECOND: Boyd

AYES: Boyd, Flinn, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman McCormick
Brown, Collins, Ford and Fullilove did not cast a vote

APPROVED

15. **RESOLUTION APPROPRIATING \$5,478,288.00 FUNDED BY G.O. BONDS GENERAL FOR ASPHALT PAVING FY09, PROJECT NUMBER PW01194 FOR PAVING DONE BY CITY EMPLOYEES.**

MOTION: Morrison

SECOND: Fullilove

AYES: Boyd, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman McCormick
Brown, Collins, Flinn and Ford did not cast a vote

APPROVED

16. **RESOLUTION APPROVING A HOTEL WAIVER FOR HYATT PLACE LOCATED AT 7902 GIACOSA PLACE.** (Held from 7/1)

Held until August 5, 2008

17. **RESOLUTION APPROVING SUP WAIVER FORM.**

MOTION: Lowery

SECOND: Hedgepeth

AYES: Boyd, Brown, Fullilove, Halbert, Hedgepeth, Lowery, Strickland, Ware and Chairman McCormick
Collins, Flinn, Ford and Morrison did not cast a vote

APPROVED

18. **RESOLUTION APPROVING A USE VARIANCE LOCATED ON THE SOUTHEAST CORNER OF AIRWAYS BOULEVARD AND LOWELL AVENUE, CONTAINING 0.21 ACRE IN THE SINGLE FAMILY RESIDENTIAL (R-S6) DISTRICT.**

Case No. UV 08-04

Applicant: Evonne Henderson

Request: Use variance to allow a Beauty Shop

LUCB and OPD recommendation: APPROVAL, with conditions

No Public Hearing Required; No Opposition at LUCB

MOTION: Lowery

SECOND: Ware

AYES: Boyd, Brown, Fullilove, Halbert, Hedgepeth, Lowery, Strickland, Ware and
Chairman McCormick
Collins, Flinn, Ford and Morrison did not cast a vote

APPROVED, as amended in Committee

19. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE EAST SIDE OF SOUTHWIND PARK COVE; +/-182.82 FEET NORTH OF WINCHESTER ROAD, CONTAINING 0.99 ACRE IN AN AREA CURRENTLY GOVERNED BY OFFICES OF SOUTHWIND PLANNED DEVELOPMENT (P.D. 02-354CC).**

Case No. PD 08-310cc

Applicant: C & K Property Management, LLC
Prime Development Group - Representative

Request: Planned development amendment to allow a music or dancing
academy and beauty shop in Parcel 5 of the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Lowery

SECOND: Brown

AYES: Boyd, Brown, Ford, Fullilove, Hedgepeth, Lowery, Strickland, Ware and
Chairman McCormick
Collins, Flinn, Halbert and Morrison did not cast a vote

APPROVED

21. **RESOLUTION TO TRANSFER THE HIRING PROCESS OF POLICE OFFICERS TO THE HUMAN RESOURCES DIVISION. (Held from 6/17; 7/1)**

Held until August 5, 2008

MINUTES

Approval of the Minutes of the regular meeting of July 15, 2008 for Item #5 & #6 with the following motion:

MOTION: Ware
SECOND: Lowery
AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Morrison, Strickland,
Ware and Chairman McCormick
Hedgepeth and Lowery did not cast a vote

APPROVED, item #5 & #6, set up as Special Item #4

Chairman McCormick recognized the following people who spoke from the audience:

Walter Broady, 4256 Ledbetter Cv., Mphs, TN 38109
Amy Livingston, 14 Diana, #7, Mphs, TN 38104
Darrell Wright, 2250 Eldridge, Mphs, TN 38108

ADJOURNED MEETING AT 5:50 P.M.

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Upon statement of the Chairman, without objection, the meeting was adjourned, subject to the call of the Chairman.

C H A I R M A N

Attest:

Deputy Comptroller/Council Records